

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 3, 2004

D042297 People v. Davis

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D041589 People v. Springs

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.

D041809 In re David P., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D042872 Wells Fargo Bank, N.A. as Trustee, etc. v. Reed

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Nares, J.

D042111 Mendoza v. City of San Diego

The appeal is dismissed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D044239 Justice v. Superior Court of San Diego County/People

The petition is denied.

D042824 In re Kaniya M.,a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 4, 2004

D042355 People v. Owens

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.

D041526 Rutherford v. Husain

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D042575 Vasquez v. Residential Investments

The judgment is reversed. Appellants are entitled to costs on appeal. CERTIFIED FOR PUBLICATION
McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D041673 People v. Johnson

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D043434 People v. Leon

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.

D041856 People v. Lima

Pursuant to California Rules of Court, rule 976.1, the opinion filed April 14, 2004, is ordered certified for publication with the exception of part I.

D044227 People v. Shepherd

The appeal is dismissed without prejudice to refile a notice of appeal after an order or judgment has been entered.

D043937 Tyrisha W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned.
The case is dismissed.

D043921 Julia A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Julia H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043908 Reta Thompson v. 10,000 RV Sales, Inc.

Cross-Appellant, Reta Thompson, having failed to timely pay the filing fee, the cross-appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 5, 2004

D044154 In re Galinski on Habeas Corpus

The petition is denied.

D039114 People v. Weaver

The opinion filed April 29, 2004, is modified. No change in judgment.

D043839 Allen v. Planned Parenthood Of San Diego and Riverside Counties et al./Ackerman

Pursuant to California Rules of Court, rule 8, the appeal filed February 20, 2004, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b) and 5(c)).

D042255 Hawkes v. Sommer

The request for publication is denied.

D041448 People v. Gross

The petition for rehearing is denied.

D042088 People v. Johnson

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 6, 2004

D041529 People v. Whitlow

We direct the court to correct the abstract of judgment to delete the parole revocation fine under section 1202.45 and to add a one-year term for the violation of section 12022(b)(1) in count two, and to send a copy of the corrected abstract to the Department of Corrections. We affirm the judgment in all other respects. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.

D044075 Branda H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Branda H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043997 Gary P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file as timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D044236 In re Kennedy on Habeas Corpus

The petition is denied without prejudice.

D041948 Bell v. Vista Unified School District

The order is reversed and the matter remanded with directions for the superior court to vacate its attorney fee award and to enter a new order awarding Bell \$210,695.17 in attorney fees, plus \$2,685.90 in costs, less credits of \$6,977.49. Each party is to bear its own costs on appeal. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

D041421 The Traditional Cat Association, Inc., et al. v. Gilbreath et al.

Order reversed with directions that plaintiffs' defamation cause of action be stricken. CERTIFIED FOR PARTIAL PUBLICATION. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D044068 Nancy M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Nancy M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Nancy M. is dismissed.

D042248 People v. Quinton

The opinion filed April 9, 2004, is modified. There is no change in the judgment. The petition for rehearing is denied.

D044251 Herlands v. Superior Court of San Diego County/Conservatorship of Herlands

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 7, 2004

D043486 In re K.P., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D042127 Preszler v. Murphy et al.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Pursuant to the attached Settlement Agreement, each party shall bear their own costs on appeal.

D044167 In re Newsome on Habeas Corpus

The petition is denied.

D044249 People v. Katasse

The denial of a petition for writ of habeas corpus is not appealable. The appeal is DISMISSED.

D042646 People v. Conate

The request for publication of the opinion is denied.

D043608 In re the Marriage of Korber

Appellant having failed to deposit costs for preparing the record pursuant to California Rules of Court, rule 4(b), the appeal is dismissed.

D043907 Afghani et al. v. San Diego Gas & Electric Company

Pursuant to California Rules of Court, rule 8, the appeal filed March 8, 2004, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

D043777 Drehsler v. Chapa et al.

Pursuant to California Rules of Court, rule 8, the appeal filed February 6, 2004, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.